

Department of Behavioral Health and Developmental Services



Individual and Family Support Program Guidelines

Updated February 1, 2014

Table of Contents

- I. Definitions**
- II. Program Description**
- III. Program Eligibility Requirements**
- IV. Program Implementation**
- V. Covered Services and Supports**
- VI. Application for Funding**
- VII. Application Review Criteria**
- VIII. Funding Decision Making Process**
- IX. Requests for Reconsideration**
- X. Post Funding Review**
- XI. Termination of Funding for Services Supports or other Assistance**

Appendix A: Individual and Family Support Program Application

I. Definitions

The following words and terms shall have the following meanings unless the context clearly indicates otherwise:

"Assistive technology" or "AT" means specialized medical equipment and supplies to include devices, controls, or appliances, which enable individuals to increase their abilities to perform activities of daily living, or to perceive, control, or communicate with the environment in which they live. This service also includes items necessary for life support, ancillary supplies and equipment necessary to the proper functioning of such items, and durable and nondurable medical equipment.

"Commissioner" means the Commissioner of the Department of Behavioral Health and Developmental Services.

"Companion" means, a person who provides companion services.

"Companion services" means nonmedical care, support, and socialization, provided to an individual. The provision of companion services does not entail hands-on care.

"Crisis support" means direct intervention to persons with ID/DD who are experiencing serious psychiatric or behavioral challenges that jeopardize their current community living situation, by providing temporary intensive services and supports that avert emergency psychiatric hospitalization or institutional placement or prevent other out-of-home placement. The goal shall be to stabilize the individual and strengthen the current living situation so the individual can be supported in the community during and beyond the crisis period.

"Department" or "DBHDS" means the Department of Behavioral Health and Developmental Services.

"Developmental disability" means a severe, chronic disability of an individual that:

1. Is attributable to a mental or physical impairment or combination of mental and physical impairments;
2. Is manifested before the individual attains age 22;
3. Is likely to continue indefinitely;
4. Results in substantial functional limitations in three or more of the following areas of major life activity: (i) self-care; (ii) receptive and expressive language; (iii) learning; (iv) mobility; (v) self-direction; (vi) capacity for independent living; and (vii) economic self-sufficiency; and
5. Reflects the individual's need for a combination and sequence of special, interdisciplinary or generic services, individualized supports or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. [42 U.S.C. § 15002]

"Home modifications" means physical adaptations to a house, place of residence, primary vehicle that are necessary to ensure the individual's health and safety or enable functioning with greater independence when the adaptation is not being used to bring a substandard dwelling up to minimum habitation standards and is of direct medical or remedial benefit to the individual.

"Family education, information, and training" means a service that provides training and counseling services to families or caregivers of individuals with intellectual or developmental disabilities (ID/DD).

"Family to family supports" means supports and resources provided by experienced family members familiar with the developmental and intellectual disability services system for other families and persons with ID/DD to assist them in the efforts to identify and obtain needed information.

"Family member" means an immediate family member of an individual receiving services or the principal caregiver of that individual. A principal caregiver is a person who acts in the place of an immediate family member, including other relatives and foster care providers, but does not have a proprietary interest in the care of the individual receiving services. [Virginia Code § 37.2-100]

"Individual and Family Support" means an array of individualized items and services that are intended to support the continued residence of an individual with intellectual or developmental disabilities (ID/DD) in his own or the family home.

"Individual" means the person receiving the services or support funds established by this program.

"Intellectual disability" or "ID" means a disability, originating before the age of 18 years, characterized concurrently by (i) significantly subaverage intellectual functioning as demonstrated by performance on a standardized measure of intellectual functioning, administered in conformity with accepted professional practice, that is at least two standard deviations below the mean and (ii) significant limitations in adaptive behavior as expressed in conceptual, social, and practical adaptive skills. [Virginia Code § 37.2-100]

"Peer mentoring" means supportive counseling/coaching delivered by one individual with disabilities to another to assist the recipient in determining or achieving, or both, his desired outcomes.

"Pend" means delaying the consideration of an individual's request for services until all required information is received by DBHDS.

“Person-Centered” means a philosophy of service delivery that supports people in achieving their desired life.

"Personal assistance services" means assistance with activities of daily living (such as bathing, dressing, toileting, transferring, and eating/feeding), instrumental activities of daily living (such as meal preparation, shopping, housekeeping, laundry, and money management), access to the community, self-administration of medication, or other medical needs, and the monitoring of health status and physical condition.

"Personal assistant" means a person who provides personal assistance services.

"Personal emergency response system (PERS)" is an electronic device that enables certain individuals at high risk of institutionalization to secure help in an emergency. PERS services are limited to those individuals who live alone or are alone for significant parts of the day and who have no regular caregiver for extended periods of time, and who would otherwise require extensive routine supervision.

“Request for reconsideration” means the process used to challenge adverse actions regarding approval for reimbursement provided by the Individual and Family Support Program pursuant to *12VAC35-230-90*.

"Respite services" means services provided to individuals who are unable to care for themselves, furnished on a short-term basis because of the absence or need for relief of those unpaid persons normally providing the care.

“Temporary” means one month.

"Therapeutic consultation" means services designed to assist the individual and the individual's family/caregiver, as appropriate, with assessments, plan design and teaching for the purpose of assisting the waiver individual. Consultation may be in the areas of psychology,

rehabilitation engineering, speech and language therapy, occupational therapy, physical therapy, behavior management, recreational therapy, social work, or other disciplines as needed.

II. Program description.

The purpose of the Individual and Family Support Program (IFSP) is to assist individuals with intellectual disability (ID) or developmental disabilities (DD) and their family members to access needed person-centered and family-centered resources, supports, services and other assistance as approved by the Department. The overall objective of the Individual and Family Support Program is to support the continued residence of an individual with ID/DD maintain his own home or the family home, which could include the home of a principal caregiver. To accomplish this, IFSP funds, once approved, are distributed directly to the requesting individual or family member or a third party designated by the individual or family member.

Individual and Family Support Program funds shall not supplant or in any way limit the availability of services provided through a Medicaid Home and Community-Based Waiver, Early and Periodic Screening, Diagnosis and Treatment (EPSDT), or similar programs.

III. Program eligibility requirements

Only individuals who are living on their own or in a family home and are on the statewide waiting list for the ID Waiver or the Individual and Family Developmental Disabilities Services (IFDDS) Waiver and family members who are assisting those individuals are eligible for IFSP funds.

Individuals who are on the waiting list for ID or DD Waiver and currently on the Elderly or Disabled with Consumer Direction, Day Support, or Technology Assisted Waivers may apply

for funds if needed items are not available through these waiver programs, EPSDT or Medicaid State Plan Option.

IV. Program implementation.

IFSP funds are limited by the amount of funds allocated to the program by the General Assembly. Department approval of funding requests shall not exceed the funding available for the fiscal year. Based on funding availability, the Department shall establish an annual individual financial support limit, which is the maximum annual amount of funding that can be provided to support an eligible individual during the applicable fiscal year. Information regarding the current maximum annual funding amount can be obtained at <http://www.dbhds.virginia.gov/ODS-default.htm> and will include the current application (also contained in Appendix A of this document) and the application review criteria (also contained in Section VII of this document).

IFSP funds may be provided to individuals or family members in varying amounts, as requested and approved by the Department, up to the established annual individual financial support limit.

Individuals and family members may submit applications for IFSP funding as needs arise throughout the year. Applications shall be considered by the Department on a first-come, first served basis until the annual allocation appropriated to the program by the General Assembly for the applicable fiscal year has been expended. Applications will be stamped with their date of receipt by DBHDS upon arrival to the Office of Developmental Services via USPS or the on-line application system and reviewed in that order.

Individuals and their family members may apply for IFSP funding each year and may submit more than one application in a single year; however the total amount approved during the year shall not exceed the annual individual financial support limit.

Individuals and their family members will be informed of the IFSP upon placement on the ID or DD Waitlist by their Case manager/Support Coordinator and given an application if desired.

V. Covered and non-covered services and supports

Services and items funded through the IFSP are intended to support the continued residence of an individual in his own or the family home and may include:

1. Professionally provided services and supports, such as respite, transportation services, behavioral consultation, and behavior management;
2. Assistive technology and home modifications, goods, or products that directly support the individual;
3. Temporary (one month) rental assistance or deposits;
4. Fees for summer camp and other recreation services for the individual;
5. Temporary (one month) assistance with utilities or deposits;
6. Dental or medical expenses of the individual;
7. Family education, information, and training;
8. Peer mentoring and family-to-family supports;
9. Emergency assistance and crisis support; or

10. Other direct support services as approved by the Department. These might include limited provision of Companion services, Personal Assistance services, Personal Emergency Response Systems, Therapeutic Consultation, and companion animals, employment support services (not a comprehensive list).

Services and items NOT funded through the IFSP are:

1. Clothing
2. Food
3. Purchase of vehicles
4. Luxury vacations
5. Car payments, insurance, repairs
6. Internet service
7. Cell phone service

VI. Application for funding.

Eligible individuals or family members who choose to apply for Individual and Family Support Program funds shall submit a completed application to the Department. The application is available at the DBHDS website at <http://www.dbhds.virginia.gov/ODS-default.htm> and as Appendix A to this document.

This program is designed for to provide funding for services that a family or individuals is unable to obtain without assistance from the IFSP. **IFSP will NOT reimburse for services and supports previously paid for by the family or individual.**

Completed applications shall include the following information:

1. A detailed description of the services or items for which funding is requested;
2. Documentation that the requested services or items are needed to support the continued residence of the individual with ID/DD in his own or the family home and no other public funding sources are available;
3. The requested funding amount and frequency of payment;
4. A statement in which the financially responsible person (individual or family member) agrees to provide the Department with documentation to establish that the requested funds were used to purchase only approved services or items; and acknowledges that failure to provide documentation that the requested funds were used to purchase only approved services or items may result in recovery of such funds and denial of subsequent funding requests; and
5. The signature of the individual (unless the individual is a minor or has a legal guardian) and financially responsible person.

VII. Application review criteria.

Upon receipt of a completed application, the Department shall:

1. Verify that the individual is on the statewide Medicaid ID or IFDDS Waiver waiting list;
2. Confirm that the services or items for which funding is being requested are eligible for funding in accordance with 12 VAC 35-230-50 (See Section V, “Covered Services and Supports” above);

3. Determine that the services or items for which funding is requested are **needed to support the continued residence of the individual with ID/DD in his own or the family home;**
4. Determine that other public funding sources, such as Medicaid waivers, Medicaid State Plan Option services (Durable Medical Equipment program, EPSDT, etc.), Individuals with Disabilities Education Act Part B (public school services) and Part C (early intervention services), and Medicare have been fully explored and utilized and are not available to purchase or provide the requested services or items (The “Medicaid and FAMIS PLUS Handbook” effective 3/1/2012 by the Department of Medical Assistance Services will be used to determine if requested services or items can be obtained through the state’s Medicaid Insurance program.);
5. Evaluate the cost of the requested services or items to determine reasonableness; and
6. Consider past performance of the individual and family members regarding compliance with IFSP policies and regulations.

VIII. Funding decision-making process

The Department shall provide a written notice to the individual or family member who submitted the application indicating the funding decision.

Approvals

Approval notices shall include:

1. The services, supports, or other items for which funding is approved;

2. The amount and timeframe of the financial allocation, start date of one year will be based on the date on the Approval letter sent to the recipient. Ex. Application postmarked September 3, Application reviewed on September 10th, Approval letter written and dated and mailed September 12th. The one year start of services will be September 12. NOT the program cycle start date. The recipient will have till September 11 the following year to turn in all receipts.
3. The expected date that the funds should be released; and
4. Documentation requirements regarding submitting receipts to the Department and the date or dates by which this documentation shall be provided to DBHDS. In general, receipts or other documentation to verify expenses for which IFSP funds have been requested shall be submitted to the Department within 30 days of receipt of funds or upon the completion of the purchase of approved items/delivery of approved services and shall include the name of the provider of the goods/services and the individual's name.

Applications may be approved at a reduced amount when the amount requested exceeds a reasonable amount as determined by Department staff as being necessary to purchase the services or items.

Funding for approved requests will be distributed by DBHDS semi-monthly.

Pended Requests

When requests for IFSP funds cannot be immediately approved due to missing information in or questions about the application contents, DBHDS staff will “pend” the request. In that event the following procedures will be followed:

1. DBHDS staff will write a pend letter to the individual or family member provided on the application and request that they send in the additional information that is needed in order to approve the request.
2. DBHDS staff will wait for the requested information from the individual or family member for up to 30 days from the date of the letter. Requests for 30 day extensions in order to collect needed information will be accepted.
3. If the additional requested information is received, DBHDS staff will continue to process the application, approving or denying the request based on the criteria in Section VII, “Application Review Criteria,” above.
4. If the additional requested information is not received, DBHDS staff will deny request and send a letter following the denial procedure.

Denials

Applications shall be denied if the Department determines that:

1. The service or item for which funding is requested is not eligible for funding in accordance with 12 VAC 35-230-50 (See Section V, “Covered Services and Supports,” above.);
2. The request was pended and the family did not respond to request for additional information in a timely manner (i.e., 30 days);
3. The request exceeds the maximum annual individual financial support limit for the applicable fiscal year;
4. Other viable public funding sources have not been fully explored or utilized;

5. The requesting individual or family member has not used previously received IFSP funds in accordance with the Department's written notice approving the request or has failed to comply with IFSP policies or regulations; or
6. The total annual IFSP funding appropriated by the General Assembly has been expended for the applicable fiscal year.

For applications for which funding is denied or approved at a reduced amount, the Department's notice shall state the reason or reasons why the requested services, supports, or other items were denied or approved at a reduced amount and the process for requesting the Department to reconsider its funding decision.

IX. Requests for reconsideration

Individuals or family members who disagree with the determination of the Department may submit a written request for reconsideration to the IFSP Manager. Most issues can be resolved at this level. If the IFSP Manager is not able to resolve an issue to the family or individuals satisfaction, they may submit a written request for reconsideration to the Commissioner, or his designee, within 30 days of the date of the written notice of denial or approval at a reduced amount. The Commissioner, or his designee, shall provide an opportunity for the person requesting reconsideration to submit for review any additional information or reasons why the funding should be approved as originally requested. The Commissioner, or his designee, after reviewing all submitted materials shall render a written decision on the request for reconsideration within 30 calendar days of the receipt of the request for reconsideration and shall notify all involved parties in writing. The Commissioner's decision shall be binding.

Applicants may obtain further review of the decision in accordance with the Administrative Process Act. [Virginia Code § 2.2-4000 et seq.]

X. Post-funding review

Utilization review of documentation or verification of funds expended may be undertaken by Department staff. Reviews may include home visits to view items purchased or services delivered. Individuals and family members receiving IFSP funds shall permit the Department representatives to conduct utilization reviews, including home visits, cooperating with such reviews and providing all information requested by the Department.

Failure to use funds in accordance with the Department's written notice or provide documentation that the funds were used to purchase only approved services or items may result in recovery of such funds by the Department.

The DBHDS will use the Department of Taxation's Debt Setoff Program as one way to retrieve state funds that were not used as approved by the program.

XI. Termination of funding for services, supports, or other assistance

Funding through the Individual and Family Support Program shall be terminated when the individual is enrolled in the ID or IFDDS waiver, or if approved funds are used for purposes not approved by the Department in its written notice. Any funds approved, but not released, will be forfeited in such circumstances.

